

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ERIC WATKINS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-09-1381-C
	)	
CORRECTIONAL OFFICER	)	
DONNELLY, et al.,	)	
	)	
Defendants.	)	

ORDER

Magistrate Judge Robert E. Bacharach entered an Order on March 8, 2011, correcting and rescinding his earlier Report and Recommendation for dismissal for lack of service. Additionally, Judge Bacharach granted Defendants' Ingram, Monroe, Manteuffel, and Kastner additional time to respond, and vacated the Clerk's entry of default with respect to these Defendants based on good cause. Plaintiff has now objected to this Order, claiming first that Judge Bacharach has no authority to issue such an Order and further because his objections to the Defendants' motion for extension of time were not considered. Even assuming an order vacating the Clerk's Entry of Default is beyond the authority of a magistrate judge, the result is the correct one. Moreover, having considered Plaintiff's objections to Defendants' motion for extension of time, the Court finds that such an extension was appropriately granted.

Judge Bacharach entered a Report and Recommendation on March 8, 2011, recommending denial of Plaintiff's motion for default against the four named Defendants. Plaintiff objects, based on the same facts noted above. Again, the conclusion is the correct one and the Report and Recommendation will be adopted.

Finally, Plaintiff has filed a motion for stay of Judge Bacharach's Order (Dkt. No. 59), in which Plaintiff is given until April 5, 2011, to respond to the pending motion to dismiss, again arguing the need for ruling on the matters summarized above. Those rulings having now been entered, Plaintiff is not entitled to the stay he seeks; however, the Court will extend the time for his response to April 15, 2011.

The Court adopts the Report and Recommendation (Dkt. No. 52) and affirms the Order of March 8 (Dkt. No. 51). Plaintiff's motion for stay (Dkt. No. 66) is denied.

IT IS SO ORDERED this 30th day of March, 2011.

  
ROBIN J. CAUTHRON  
United States District Judge